

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**
DAYSHAUN JONES,

Plaintiff,

**1:23-cv-656
(GLS/DJS)**

v.

MATTHEW ELLIS,

Defendant.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

Dayshaun Jones
Pro Se
265 Manning Blvd
Apt A
Albany, NY 12206

**Gary L. Sharpe
Senior District Judge**

ORDER

The above-captioned matter comes to this court following a Report-Recommendation and Order (R&R) by Magistrate Judge Daniel J. Stewart, duly filed July 7, 2023. (Dkt. No. 7.) Following fourteen (14) days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections¹ having been filed, and the court having reviewed the

¹ On July 20, 2023, plaintiff filed an amended complaint in lieu of objections. (Dkt. No. 8.)

R&R for clear error, it is hereby

ORDERED that the Report-Recommendation and Order (Dkt. No. 7) is **ADOPTED** in its entirety; and it is further

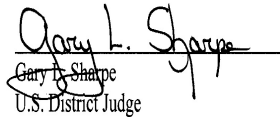
ORDERED that plaintiff's complaint (Dkt. No. 1) is **DISMISSED with leave to amend**; and it is further

ORDERED that plaintiff's amended complaint (Dkt. No. 8) is referred to the Magistrate Judge for review; and it is further

ORDERED that the Clerk provide a copy of this Order to plaintiff in accordance with the Local Rules of Practice.

IT IS SO ORDERED.

August 9, 2023
Albany, New York


Gary L. Sharpe
U.S. District Judge